

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-08  
FRB-03 INR-07 NSAE-00 SP-02 STR-04 TRSE-00 LAB-04  
SIL-01 OMB-01 OES-06 INT-05 DLOS-09 DODE-00 /069 W  
-----290316Z 012389 /62

R 281721Z MAR 77  
FM US MISSION EC BRUSSELS  
TO SECSTATE WASHDC 3379  
INFO USMISSION USBERLIN  
USMISSION NATO BRUSSELS  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS

C O N F I D E N T I A L EC BRUSSELS 3036

E.O. 11652: GDS  
TAGS: PFOR PGOV EEC UR WB GW US UK FR  
SUBJECT; BERLIN CLAUSE IN US/EC GIFA

REF: BONN 5344

1. DURING CONVERSATION WITH FRG DEPUTY PERM REP KITTEL  
MARCH 25, DCM MENTIONED THAT SOVIET DCM IN BRUSSELS HAS  
RAISED QUESTION OF TERRITORIAL APPLICATION OF US/EC GIFA  
WITH EMBASSY CHARGE RENNER. DCM NOTED THAT RENNER HAD USED  
SAME LINE WITH SOVIET DCM AS EC HAD (PARA 2 REFTTEL), I.E.,  
AGREEMENT NOT RECIPROCAL AND APPLIED ONLY TO EC FISHING IN  
US WATERS.

2. DISCUSSION THEN TOUCHED ON QUESTION OF WHETHER IT WOULD  
BE USEFUL TO AMEND, IN SOME FORM, US/EC GIFA TO INCLUDE  
TERRITORIAL APPLICATION CLAUSE AS IN DRAFT WHICH EC HAS GIVEN  
USSR. DCM TOLD KITTEL THAT HE HAD NO INSTRUCTIONS ON THIS  
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BUT THAT PERSONALLY HE THOUGHT IT WOULD BE VERY AWKWARD TO  
TRY TO CHANGE GIFA AFTER IT HAD ALREADY GONE THROUGH CONGRESS.  
HE ALSO SAID HE FELT THAT CURRENT LINE EC WAS USING WAS  
APPROPRIATE AND THAT, IF EC WANTED TO GO ON RECORD WITH US  
WITH REQUIREMENT FOR TERRITORIAL (BERLIN) CLAUSE, IT MIGHT  
BE PREFERABLE FOR COMMISSION TO SEND US AT EARLY DATE  
PROPOSED DRAFT OF AGREEMENT REGARDING US FISHING IN EC WATERS

IN WHICH SUCH CLAUSE COULD BE PROPERLY INSERTED. KITTEL SEEMED TO AGREE THAT IT COULD BE COUNTERPRODUCTIVE TO REOPEN CURRENT US-EC GIFA WHICH MIGHT FURTHER COMPLICATE PROSPECTS FOR EARLY ENTRY INTO FORCE PRIOR TO OPENING OF GERMAN FISHING SEASON IN US WATERS THIS SUMMER.

3. COMMENT: WE ASSUME BALL IS IN FRG COURT FOR NEXT MOVE AS OUTLINED REFTL. WE WOULD APPRECIATE EARLY GUIDANCE ABOUT LINE WE SHOULD USE SHOULD COMMISSION APPROACH US ON THIS MATTER. WE WOULD ALSO POINT OUT THAT, SHOULD WE AGREE TO REFER TO AREA OF APPLICABILITY IN EXCHANGE OF NOTES (EVEN THOUGH WE HAVE ALREADY NOTIFIED EC THAT US IS READY TO DECLARE AGREEMENT AS IT STANDS IN FORCE), AND WERE THIS TO BE INTERPRETED AS CHANGE OR AMENDMENT TO GIFA, EC MIGHT WELL ALSO USE THIS AS A VEHICLE TO TRY TO ACHIEVE PROVISIONAL APPLICATION IN ORDER TO GET THEM OVER THEIR INTERNAL PROCEDURAL HURDLE. THUS, IF WE WERE WILLING TO ACCOMMODATE FRG ON TERRITORIAL APPLICATION, GUIDANCE SHOULD ALSO ADDRESS QUESTION OF FURTHER AMENDMENT TO INCLUDE PROVISIONAL ENTRY INTO FORCE PENDING COMPLETION EC PROCEDURES. HINTON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** STATUS OF BERLIN, FISHING AGREEMENTS  
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**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977ECBRU03036  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 77 BONN 5344  
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**Review Event:**  
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**Review Release Date:** n/a  
**Review Release Event:** n/a  
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**Review Withdrawn Fields:** n/a  
**SAS ID:** 2980203  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ; BERLIN CLAUSE IN US/EC GIFA  
**TAGS:** PFOR, PGOV, EFIS, UR, WB, GE, US, UK, FR, EEC  
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**Type:** TE  
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**Review Markings:**  
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